(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C) 1153 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Misc. Appeal(C) No.1153 of 2007

Appellants

1. Chandradeep Singh s/o Shri Tahbal Singh, aged about 65 years
2. Smt. Surjo Devi w/o C.D. Singh, aged about 57 years
3. Satyendra Singh s/o C.D. Singh, aged about 36 years
4. Sunil Singh S/o C.D. Singh, aged about 26 years
5. Ku. Savit D/o C.D. Singh, aged about 20 years,

All residents of 5, Sector-2 Tahsil and District Durg(CG)

Versus

RESPONDENTS

1 Dhanraj Dadaji Matle, s/o Dadaji Matle, R/o Tavepara, Tahsil & District Bhandara Driver of offending Vehicle Licence No. 89/13093, valid up to 18.06.2007.

2 D.G. Vandile, Proprietor A.S.Iyyer & Company Sarkar Nagar, Bhandara,(Maharashtra) (Owner of the offender Vehicle No. M.H.56-36/184)

3 The National Insurance Co. Ltd. 10, Vardhman Nagar Old Bhandara Road, Vardhman Nagar, (Maharashtra)Insurer of the offending Vehicle

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL UNDER SECTION 173 OF MOTOR VEHICLES ACT

Appearance:

Shri Awadh Tripathi, counsel for the appellants.

DB: Hon'ble Shri L.C. Bhadoo &
Hon'ble Shri Sunil Kumar Sinha, J, J.

ORAL ORDER
(16.10.2007)

L.C.Bhadoo, J,

Heard on admission.

The appellants/claimants, being aggrieved by the award dated 16.8.2007, passed by the 5th Additional Motor Accident Claims Tribunal in Claim Case No. 57/2007, have preferred this appeal, whereby and whereunder, the learned Tribunal has awarded the compensation to the tune of Rs.2,20,000/- under the heading of loss of dependency, Rs.25,000/- for loss of love and affection, Rs.2,000/- for funeral expenses, Rs.2,000/- for removing the vehicle from the accident place and Rs.5,500/- for carrying the vehicle from Nagpur to Bhilai.

Learned counsel for the appellants argued that the deceased namely-Manoj Kumar Singh was working as a Sales Representative and he was earning Rs.6,300/- p.m. and out of that the learned Tribunal has deducted Rs.800/-, which the

मामला क्रमांक.....**सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

deceased was getting as conveyance allowance, therefore, this deduction is illegal.

Admittedly, the deceased was getting Rs.800/- p.m. as conveyance allowance and that was being paid to him on account of the fact that in order to discharge his duties, he was required to undertake the journeys and for that purpose, expenses of Rs.800/- p.m. was being paid to him, therefore, that was not an income of the deceased, as such the Tribunal has rightly deducted Rs.800/- and thereby it has rightly assessed the income of the deceased as Rs.5,500/- per month.

Learned counsel for the appellants argued that a wrong multiplier has been applied in this case because one of the claimants namely- Ku. Savita was aged about 20 years at the time of accident, but we do not find any substance in this argument, as the main claimants i.e. father –Chandradeep Singh was aged about 65 years, whereas mother- Smt. Surjo Devi was aged about 57 years at the time of accident and they have been considered as dependent on the deceased- Manoj Kumar Singh and therefore, the multiplier of 5 has rightly been applied. The Tribunal has decided that Ku. Savita was not dependent on the deceased. She was a major sister and in any case, she has to go to her matrimonial house after her marriage, therefore, the multiplier on the basis of age of the sister, cannot be applied.

(2B)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MAC 1153/07 **सन्** **200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	No other point has been argued by learned counsel for the appellant; therefore, we do not find any infirmity or illegality in the impugned award. The appeal is liable to be dismissed and it is accordingly dismissed. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**